

Claims are addressed to those of skill in the art. Even those unskilled in the art of making ramps for minivans know that a minivan has a body, wheels, etc. What is the point in cluttering up a claim with a lot of unnecessary detail? A claim is supposed to define the invention, not recite every nut, bolt, and screw that is already known. In reciting a minivan, one is necessarily reciting parts of the minivan; *Bose Corp. v. JBL Inc.*, 61 USPQ2d 1216 (Fed. Cir. 2001). The Court quoted the MPEP favorably in several places, such as the following at page 1218.

The Manual of Patent Examining Procedure ("MPEP") states: "the failure to provide explicit antecedent basis for terms does not always render a claim indefinite. If the scope of a claim would be reasonably ascertainable by those skilled in the art, then the claim is not indefinite." MPEP §2173.05(e) (6th ed. Rev. 1, Sept. 1995); see *Ex parte Porter*, 25 USPQ2d 1144, 1146 (Bd. Pat. Apps. & Int. 1992); see also *In re Moore*, 439 F.2d 1232, 1235, 169 USPQ 236, 238 (CCPA 1971) ("[T]he definiteness of the language employed must be analyzed—not in a vacuum, but always in light of the teachings of the prior art and of the particular application disclosure as it would be interpreted by one possessing the ordinary level of skill in the pertinent art.").

... "Inherent components of elements recited have antecedent basis in the recitation of the components themselves." MPEP §2173.05(e). The MPEP provides an analogous example: "the limitation 'the outer surface of said sphere' would not require an antecedent recitation that the sphere have an outer surface." *Id.*

In support of the rejection, the Examiner asserts that "no minivan structure (body, wheels, etc.) and no ramp structure have been set forth." Claim 1 recites "In a minivan." For the reasons given above, it is respectfully submitted that a minivan, including a body, wheels, etc., has been recited. Claim 1 recites "adapted for wheelchair access by a folding ramp." It is respectfully submitted that claim 1 recites a ramp.

The Examiner asserts that "floor" lacks antecedent basis. For the reasons given in the quoted Federal Circuit opinion and the MPEP, it is respectfully submitted that "floor" has antecedent basis.

Concerning claim 3, the Examiner asserts that "it is not understood where (and how) structurally the lever arm is coupled to the folding ramp." It is respectfully submitted that the Examiner's understanding is no basis for rejection. A claim is addressed to one of ordinary skill in the art. Further, the Examiner's comment relates to breadth, not definiteness. There are several ways one could attach the lever arm to the ramp to produce the recited motion. The clevis shown in the

preferred embodiment is just one way. An applicant is not required to claim only the preferred embodiment.

Concerning claim 4, the Examiner asserts that "it is not understood where (and how) structurally the sensing switch is coupled to the drive shaft." Again, the comment relates to breadth, not definiteness. There are many ways to attach a sense switch, other than the clamps shown in FIG. 3.

The Examiner further asserts that "it is not understood how the ramp is extended in the absence of structure therefor." Claim 1 recites "a drive mechanism including a drive motor having a rotor shaft coupled to said folding ramp for raising or lowering the ramp by rotating one end of the folding ramp about said hinge." It is respectfully submitted that more than adequate structure is recited.

The Examiner asserts that "it is not understood how the folding ramp is braked." It is respectfully submitted that the Examiner's understanding is no basis for rejection. A claim is addressed to one of ordinary skill in the art. As explained in the previous response, "dynamic braking" is a well known term in electric motor arts. Dynamic braking uses an electric motor as a generator and converts the generated electricity to heat with a suitable load. The claims have essentially been made repetitious by spelling out what dynamic braking is.

Concerning claim 8, the Examiner asserts that "It is not understood how the ramp is extended manually." "Manually" means "by hand;" i.e. one places ones hand on the ramp and pushes. It is respectfully submitted that one of ordinary skill in the art would understand.

Claims 1-10 were rejected as unpatentable over Tidrick et al. in view of Oudsten et al. or Peterson, Jr., et al. The Tidrick et al. patent discloses a fold out ramp. "Damping", as used in the Tidrick patent, is not braking but a restriction on motion, e.g. as produced by a shock absorber. Dynamic braking can lock an electric motor (see specification, page 5, line 1); damping cannot. A disclosure of damping does not disclose or suggest dynamic braking.

The Oudsten et al. patent discloses a slide out ramp for a bus. Applicants are claiming a foldout ramp for a minivan. The ramp structures and vehicles are completely different. As such, the Oudsten et al. patent is irrelevant and non-analogous prior art.

The Peterson, Jr., et al. patent discloses a flip-over ramp for a bus. Applicants are claiming a foldout ramp for a minivan. The ramp structures and vehicles are completely different. As such, the Peterson, Jr., et al. patent is irrelevant and non-analogous prior art. Further, a flip-over ramp would crush the occupant of a wheelchair after he entered the minivan or, if not crush, at least pin him in place. It is respectfully submitted that there is no basis for the combination other than applicants' claims.

The alleged motivation for the combination, reduce potential hazards, makes it sound as though drive mechanisms are left exposed, wherever they are located. They are not.. A flip-over ramp in a minivan does not seem consistent with reducing potential hazards.

Applicants have improved folding ramps for minivans by locating the drive mechanism for the ramp under the floor of the minivan. The prior art does not disclose or suggest this improvement.

Respectfully submitted,



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